IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6580 OF 2007

Jaidev Kewal Kalia ....Petitioner
V/s
Mrs.Mamta Jaidev Kalia ....Respondent.

Mr.D.S.Mhaispurkar i/by Vaidehi S. Mhaispurkar, Adv. For the petitioner.

CORAM: A.P.DESHPANDE, J.
6/9/07

PC:

The Family Court has allowed the amendment application moved by the respondent-wife. The amendment application was opposed by the present petitioner. The marriage petition is of the year 2001 and hence the amended provisions of Code of Civil Procedure are not applicable to the case in hand. Learned counsel for the petitioner submits that the facts which are sought to be brought on record by the proposed amendment wherein know of the respondent and the same could have been pleaded before the trial commenced. In view of the fact that the marriage petition is filed prior to 1.7.02 the proviso to rule XVII Order 6 has no application. The Family Court has held that for determining the real question in controversy between the parties the amendment need to be allowed. Perused the order. Same does not call for interference. Ends of justice would advance by permitting the amendment as has been granted by the Family Court. Hence writ petition is summarily dismissed.

6.9.07